

REMARKS

Initially, Applicant acknowledges the Examiner's objection of the specification wherein he requires proper headings for the respective sections of the application and his objection as to the word "hornless" at page 6, line 28. In accord with the Examiner's remarks, the Applicant has submitted a replacement/substitute specification as set forth above. Proper section headings have now been inserted throughout the application and the sections have been placed in their proper order. Also, the Applicant has revised that portion of the specification to take out the word "hornless" and replace it with a clarifying short clause. Thus, it is believed that the Examiner's objections to the specification have been rendered moot.

Also, claim 16 has been amended and placed into independent form. The claim now requires "pedals" in addition to a "saddle" and therefore, now further limits the subject matter of the previous claim 1.

With respect to the claim rejections under 35 U.S.C. 112, second paragraph, Applicant first notes the Examiner's rejection of claim 1 for lack of antecedent basis for the term "effective axis." To overcome this rejection, claim 1 has been amended such that the term "effective axis" has now been properly explained and given a proper antecedent basis. Given this amendment, the term "effective axis" in claim 2 now also has a proper antecedent basis.

With respect to claim 12, the Examiner has also rejected this claim for insufficient antecedent basis for the limitation "saddle portion." Again, the claim has been amended to read "seat portion," a limitation which does have proper antecedent basis.

With respect to the Examiner's comments that the application is "replete with grammatical and idiomatic errors," the Applicant invites the Examiner to specifically point out such errors as they are aware of no such errors. The subject application is **not** a translation into English from a foreign document, but rather is a proper English application filed previously in the United Kingdom. The claims are quite clearly grammatically and idiomatically correct, but apparently sound strange to the Examiner

who, it is assumed, is much more familiar with American English grammar, slang, expressions, and nomenclature. Nevertheless, to the extent the Examiner will specifically point out where he believes errors exist, Applicant will amend the claims to place the claims in American English. To that end, Applicant has also amended claim 5 to change the proper English word "centred" to the American English form "centered."

Turning to the prior art rejections, the Examiner has first rejected claims 1-7 and 9-11 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,603,551 to Sheehan. Applicant has reviewed the reference and believes his invention is clearly and patentably distinct from this cited art.

Sheehan '551 relates to a desk chair and makes no mention or suggestion of any kind as to any *lateral* movement. The seat is carried on a curved track which permits both the seat 11 and the backrest 12 of the chair to move forwards or backwards, but there is absolutely no provision whatsoever for making any lateral rocking movement. Further, a desk chair is wholly unsuitable for use in conjunction with a pedal-operated machine such as a bicycle and the specification in Sheehan discloses nothing which would lead one skilled in the art, such as a bicycle designer, towards the present invention. Thus, it would not even be obvious to one of skill in the art to provide the lateral rocking motion claimed in the present invention, let alone to have anticipated the present invention.

Even ignoring the question of whether a desk chair can in any way be considered to anticipate "a saddle for a pedal-operated machine," perhaps it is that the Examiner is having difficulty with the concept of the lateral rocking motion. This term however is well known in the art, particularly to those familiar with bicycles. Thus, Applicant believes the claims are sufficiently clear and that Sheehan '551 does not anticipate nor render obvious the present invention.

Next, the Examiner has rejected claims 1-3, 12-14 and 16 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 468,398 to Sherman. However, having reviewed this prior art reference, Applicant again believes the present invention is patentably distinct from this cited art.

Sherman '398 discloses a bicycle saddle wherein the rear end of the saddle is supported by a ball joint disposed below the upper surface of the seat portion. Manifestly, and as shown in Fig. 2, the effective pivotal axis of a ball joint is through the center of the ball and this is located **below** the upper surface of the seat portion of the saddle. Again, the basis of the Examiner's suggestion that this cited art reference describes a saddle where the effective axis of the pivoting movement is *above* the seat surface simply cannot be understood.

Apart from the above, it is only the rear end of the seat portion of Sherman which is permitted to move by virtue of the ball joint being at the rear end. If the rear end pivots, the main seat portion will twist along its length and not really perform a rocking motion as defined by the present invention. Hence, this cited art cannot be said to anticipate the present invention as now defined by the claims, nor would it lead one of skill in the art to the present invention. The limitation in Sherman of the ball joint being below the seat portion cannot give rise to a suggestion of a lateral rocking motion as claimed for the present invention, and the ball joint being *above* the seat portion is wholly impossible.

The Examiner has further rejected claim 15 as obvious and, therefore, unpatentable over Sherman '398 with regard to the particular radius of curvature defined in Claim 15. However, since claim 1 from which claim 15 depends is neither anticipated nor rendered obvious in view of Sherman, claim 15 should be considered allowable, and no further differences for this claim 15 need be addressed.

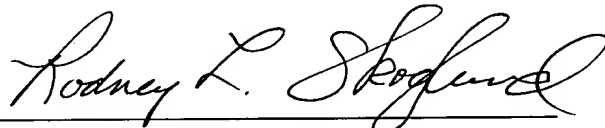
Although it is noted that claim 8 would be allowable if rewritten in independent form and including all of the limitations of the base claim(s), it is believed that this is not necessary in light of the unsustainable rejections raised against claim 1.

In light of the foregoing amendments and arguments presented herein, Applicant respectfully requests the Examiner to reconsider the application and withdraw his rejections and objections to the application and the claims. A Notice of Allowance

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of claims 1-16 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Rodney L. Skoglund".

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